

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:10cr64

UNITED STATES OF AMERICA,

vs.

JOSE GUADALUPE MIRANDA.

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O R D E R

THIS MATTER is before the Court on the Motion for Status of Counsel Hearing and Motion for Continuance [Doc. 20] of the Defendant's previous counsel and the Motion to Continue of the Defendant's newly retained counsel [Doc. 23].

On October 3, 2010, the Defendant was charged with possession with intent to distribute at least 5 grams of actual methamphetamine, in violation of 21 U.S.C. §841(a)(1). [Doc. 1]. The Defendant first appeared with counsel on October 15, 2010 at which time he was arraigned and his case was placed on the November 2011 trial calendar. [Doc. 10]. Because the Defendant had less than thirty days from his appearance with counsel and the trial term, his case was continued *sua sponte*. [Doc. 15].

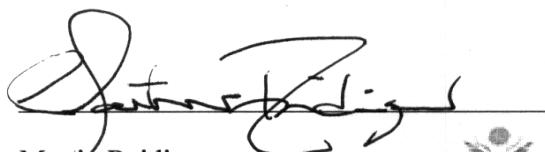
As a result of the motion for a status of counsel hearing, the Magistrate Judge conducted such a hearing on December 21, 2010. The Magistrate Judge found that counsel should be relieved and that the Defendant had

retained new counsel. Because counsel was only recently retained, he has moved to continue the case from the January 2011 term so that he may have adequate time to prepare.

The Court finds that without a continuance, counsel would not have the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds, for the reasons stated herein, that the ends of justice served by continuing this case outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A).

IT IS, THEREFORE, ORDERED that the Motion for Continuance [Doc. 20] of the Defendant's previous counsel and the Motion to Continue of the Defendant's newly retained counsel [Doc. 23] are hereby **GRANTED** and this case is hereby **CONTINUED** from the January 2011 term in the Asheville Division.

Signed: December 28, 2010



Martin Reidinger
United States District Judge

